

AMENDMENTS TO LB 962

(Amendments to Standing Committee amendments, AM2733)

1                   1.       Strike original section 99 and insert the following  
2 new sections:

3                   "Sec. 99.       Section 81-15,173, Revised Statutes  
4 Supplement, 2002, is amended to read:

5                   81-15,173.    The board shall have and may exercise the  
6 following powers and duties:

7                   (1) Adopt bylaws to govern the proceedings of the board;

8                   (2) Keep records, conduct hearings, and adopt and  
9 promulgate rules and regulations to carry out its duties and  
10 implement the Nebraska Environmental Trust Act;

11                  (3) Contract with the Game and Parks Commission for  
12 administrative support; and with governmental agencies for  
13 technical assistance;

14                  (4) Contract with governmental and private agencies to  
15 receive technical assistance and services;

16                  (5) Contract with governmental and private agencies to  
17 provide technical assistance and services;

18                  (6) Establish environmental ~~priorities~~ categories for use  
19 of the funds and develop an appropriate rating system for each  
20 category;

21                  ~~(5)~~ (7) Establish ad hoc advisory boards and  
22 subcommittees;

23                  ~~(6)~~ (8) Sponsor or assist environmental proposals

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1   pertaining to the environmental ~~priorities~~ categories of the board,  
2   including issuing grants to agencies, organizations, and persons  
3   engaged in the purposes of the trust;

4           ~~(7)~~ (9) Cooperate with or assist any unit of the state,  
5   any political subdivision, or any private, public, or federal  
6   agency, foundation, or person in furtherance of the purposes of the  
7   trust;

8           ~~(8)~~ (10) Acquire and dispose of personal property in  
9   furtherance of the purposes of the trust; and

10          ~~(9)~~ (11) Apply for or accept any gift, grant, bequest,  
11   royalty, or donation, designate the fund to which it will be  
12   credited, and expend the proceeds in furtherance of the purposes of  
13   the trust.

14           Sec. 100.       Section 81-15,175, Revised Statutes  
15   Supplement, 2002, is amended to read:

16           81-15,175. (1) The board may make an annual allocation  
17   each fiscal year from the Nebraska Environmental Trust Fund to the  
18   Nebraska Environmental Endowment Fund as provided in section  
19   81-15,174.01. The board shall make annual allocations from the  
20   Nebraska Environmental Trust Fund and may make annual allocations  
21   each fiscal year from the Nebraska Environmental Endowment Fund for  
22   projects which conform to the environmental ~~priorities~~ categories  
23   of the board established pursuant to section 81-15,176 and to the  
24   extent the board determines those projects to have merit. The  
25   board shall establish ~~an annual calendar~~ a calendar annually for  
26   receiving and evaluating proposals and awarding grants. To  
27   evaluate the economic, financial, and technical feasibility of

1 proposals, the board may establish subcommittees, request or  
2 contract for assistance, or establish advisory groups. Private  
3 citizens serving on advisory groups shall be reimbursed for their  
4 actual and necessary expenses pursuant to sections 81-1174 to  
5 81-1177.

6 (2) The board shall establish a ~~rating system~~ rating  
7 systems for ranking proposals which meet the board's environmental  
8 ~~priorities~~ categories and other criteria. The rating ~~system~~  
9 systems shall include, but not be limited to, the following  
10 considerations:

11 (a) Conformance with ~~priorities~~ categories established  
12 pursuant to section 81-15,176;

13 (b) Amount of funds committed from other funding sources;

14 (c) Encouragement of public-private partnerships;

15 (d) Geographic mix of projects over time;

16 (e) Cost-effectiveness and economic impact;

17 (f) Direct environmental impact; and

18 (g) Environmental benefit to the general public and the  
19 long-term nature of such public benefit.

20 (3) The board may establish a subcommittee to rate grant  
21 applications. If the board uses a subcommittee, the subcommittee  
22 shall (a) use the rating ~~system~~ systems established by the board  
23 under subsection (2) of this section, (b) assign a numeric value to  
24 each rating criterion, combine these values into a total score for  
25 each application, and rank the applications by the total scores,  
26 (c) recommend an amount of funding for each application, which  
27 amount may be more or less than the requested amount, and (d)

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1 submit the ranked list and recommended funding to the board for its  
2 approval or disapproval. A motion to deviate from the  
3 subcommittee's recommendations must specify the reason for doing so  
4 and be adopted with an affirmative vote of not fewer than eight  
5 members of the board.

6 (4) The board may commit funds to multiyear projects,  
7 subject to available funds and appropriations. No commitment shall  
8 exceed three years without formal action by the board to renew the  
9 grant or contract. Multiyear commitments may be exempt from the  
10 rating process except for the initial application and requests to  
11 renew the commitment.

12 (5) The board shall adopt and promulgate rules and  
13 regulations and publish guidelines governing allocations from the  
14 fund. The board shall conduct annual reviews of existing projects  
15 for compliance with project goals and grant requirements.

16 (6) Every five years the board may evaluate the long-term  
17 effects of the projects it funds. The evaluation may assess a  
18 sample of such projects. The board may hire an independent  
19 consultant to conduct the evaluation and may report the evaluation  
20 findings to the Legislature and the Governor.

21 Sec. 101. Section 81-15,176, Revised Statutes  
22 Supplement, 2002, is amended to read:

23 81-15,176. (1) Subject to subsection (3) of this  
24 section, the board shall establish environmental ~~priorities for~~  
25 categories of projects eligible for funding by the trust. The  
26 board, after allowing opportunity for public comment, shall  
27 designate as ~~priorities~~ categories those environmental goals which

1 most affect the natural physical and biological environment in  
2 Nebraska, including the air, land, ground water and surface water,  
3 flora and fauna, prairies and forests, wildlife and wildlife  
4 habitat, and areas of aesthetic or scenic values. In designating  
5 environmental ~~priorities~~ categories, the board shall attempt to  
6 focus on the areas which promise the greatest opportunities for  
7 effective action to achieve and preserve the future environmental  
8 quality in the state. The board shall establish ~~priorities~~  
9 categories for five-year periods beginning July 1, 1995. The board  
10 may establish annual priorities within the five-year categories. ~~7~~  
11 ~~except that the board may make annual modifications to refine and~~  
12 ~~clarify its priorities.~~ The board shall provide for public  
13 involvement in developing the ~~priorities~~ categories for such  
14 five-year periods, ~~including~~ and any priorities within these  
15 categories, including, but not limited to, public meetings in each  
16 of the three congressional districts.

17 (2) The board shall establish criteria for determining  
18 the eligibility of projects for grant assistance, which criteria  
19 shall include the following:

20 (a) The grants shall not provide direct assistance to  
21 regulatory programs or to implement actions mandated by regulations  
22 except remediation;

23 (b) No more than sixty percent of grant allocations in  
24 any year shall assist remediation of soils or ground water, and no  
25 grants for this purpose shall occur unless all other available  
26 sources of funding are, in the opinion of the board, being  
27 substantially utilized;

1           (c) The grants shall not pay for projects which provide  
2 primarily private benefits or relieve private liability for  
3 environmental damage;

4           (d) The grants shall not pay for projects which have  
5 direct beneficiaries who could afford the costs of the benefits  
6 without experiencing serious financial hardship;

7           (e) The grants should assist those projects which offer  
8 the greatest environmental benefits relative to cost;

9           (f) The grants should assist those projects which provide  
10 clear and direct environmental benefits;

11           (g) The grants should assist those projects which will  
12 make a real contribution to achieving the board's environmental  
13 ~~priorities~~ categories;

14           (h) The grants should assist those projects which offer  
15 the greatest public benefits; and

16           (i) The grants shall not pay for land or easements  
17 acquired without the full and express consent of the landowner.

18           (3) Until the first five-year ~~priorities~~ categories  
19 become effective on July 1, 1995, the board shall observe the  
20 following ~~priorities~~ categories for allocating grants:

21           (a) Critical habitat areas, including wetlands  
22 acquisition, preservation, and restoration and acquisition and  
23 easements of areas critical to rare or endangered species;

24           (b) Surface water quality, including actions to preserve  
25 lakes and streams from degradation;

26           (c) Ground water quality, including fostering best  
27 management practices as defined in section ~~46-656.07~~ 42 of this

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1 act, actions to preserve ground water from degradation, and  
2 remediation of soils or ground water; and

3 (d) Development of recycling markets and reduction of  
4 solid waste volume and toxicity.

5 (4) The board may refine and clarify these initial  
6 ~~priorities~~ categories."

7 2. Amend the repealer, renumber the remaining sections,  
8 and correct internal references accordingly.